UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/970,153	10/02/2001	Leonid Fridman	Vert00-4NP	9604

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EXAMINER
KE, PENG

ART UNIT	PAPER NUMBER
2174	

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/970,153	FRIDMAN ET AL.
	Examiner	**Art Unit**	
	Peng Ke	2174	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____.

2a) ☐ This action is **FINAL**.　　2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-22_ is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-22_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a) ☐ All　b) ☐ Some * c) ☐ None of:

　　　1. ☐ Certified copies of the priority documents have been received.

　　　2. ☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Claim Objections

The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claim 10 been renumbered 9.

Misnumbered claim 11 been renumbered 10.

Misnumbered claim 12 been renumbered 11.

Misnumbered claim 13 been renumbered 12.

Misnumbered claim 14 been renumbered 13.

Misnumbered claim 15 been renumbered 14.

Misnumbered claim 16 been renumbered 15.

Misnumbered claim 17 been renumbered 16.

Misnumbered claim 18 been renumbered 17.

Misnumbered claim 19 been renumbered 18.

Misnumbered claim 20 been renumbered 19.

Misnumbered claim 21 been renumbered 20.

Misnumbered claim 22 been renumbered 21.

Misnumbered claim 23 been renumbered 22.

The following rejections are based on the renumbered claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed

publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by

another filed in the United States before the invention by the applicant for patent or (2) a patent granted

on an application for patent by another filed in the United States before the invention by the applicant

for patent, except that an international application filed under the treaty defined in section 351(a) shall

have the effects for purposes of this subsection of an application filed in the United States only if the

international application designated the United States and was published under Article 21(2) of such

treaty in the English language.

Claims 1, 12, 13, and 14 rejected under 35 U.S.C. 102(a) as being anticipated by

Moraes (US. 6,014,502).

As per claim 1, Moraes teaches a computerized method of individually selecting

which messages to show on each of one or more electronic displays comprising (col. 5

,lines 13-18):

for each of a plurality of messages which are to be shown on said displays,

calculating a desired display rate as a function of a desired number of exposures of such

messages to be made within a remaining period of time (col. 19, lines 9-40);

-selecting which of possible messages to show on an individual display at a given

time as a function of the relative values of the desired display rates associated with

different messages, so as to favor the selection of messages having a higher desired display rate (col. 20, lines 45-55); and

-using information that a given message has been selected to be shown on a given display to update the calculation of the desired display rate for given message by decreasing the number of showings of the given message which are to be made in a remaining period of time associated with the message (col. 19, lines 40-50).

As per claim 12, Moraes teaches a computerized method of individually selecting which messages to show on each of a one or more electronic display comprising:

-for each of a plurality of messages which are to be shown on said displays, calculating a desired display rate as a function of a desired number of exposures of such messages to be made to one or more particular types of people within a remaining period of time (col. 20, lines 45-55);

-for each of different individual opportunities to show a message on a given display at a given time, determining a corresponding estimate of the number of one or more different types of people available to see a message shown (col. 20, lines 45-55).

-in that display opportunity, said number being determined from a set of three or more possible numerical values (col. 19, lines 9-29);

-selecting which of said plurality of messages to show for a given display opportunity as a function of both the estimate of the number of one or more different types of people available to see a message shown for that display opportunity, and the display rates of exposures to one or more different types of people associated with different messages (col. 20, lines 45-55); and

-using information that a given message has been selected to be shown for a given

display opportunity to update the calculation of the display rate for the given message by

decreasing the display rate's associated number of exposures to be made to one or more

given types of people by the number of those one or more different types of people

estimated to be available to see the messages shown during the given display opportunity

(col. 19, lines 9-29).

As per claim 13, Moraes teaches method as in Claim 12 wherein said number of

one or more particular types of people estimated to have an opportunity to see an

individual showing of a given message on a given display is determined, at least in part,

by a computerized estimate of the number of one or more particular types of people in a

location (col. 19, lines 8-41) associated with the given display based on sensor

information received from that location within an hour of the showing of the message

(col. 5, lines 3-13, col. 20, line 34-56).

As per claim 14, Moraes teaches a computerized method as in Claim 12, wherein

said number of one or more particular types of people estimated to have an opportunity to

see a given showing of a given message on a given display is determined, at least in part,

by using a computerized database which stores estimates of the number of a plurality of

different types of people in each of a plurality of location (col. 19, lines 8-41) at each of a

plurality of times, to produce said estimate of the number of one or more particular types

of people who have an opportunity to see the given showing of the given message as a

function of the location and time of the given showing (col. 5, lines 3-13, col. 20, line 34-

56).

Claim 17 is rejected under 35 U.S.C. 102(e) as being anticipated by Hagebarth (US 6,546,086).

As per claim 17, Hagebarth teaches a computerized method of individually selecting which messages to show on each of one or more electronic displays having different physical locations, said method comprising:

-storing for each of a plurality of messages one or more criteria desired for showings of said message (col. 3, lines 40-55);

-obtaining information regarding the values for said criteria associated the opportunity to show a message on a given display at a given time, including obtaining values for one or more of said criteria as a function of physical location of the given display (col. 3, lines 40-55);

-calculating a score as a function of the match between the criteria associated with each of said plurality of messages and the values for such criteria associated with said given display opportunity (col. 3, lines 40-55); and

-automatically selecting which of said messages to show in a given display opportunity as a function of the relative values of said scores calculated for said messages (col. 3, lines 40-55).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set

forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negatived by the manner in which the invention was made.

Claims 2, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Moraes (US. 6,014,502) in view of Litwin (US 2002/0174012).

As per clam 2, Moraes teaches a computerized method as in Claim 1, however, he

fails to teach wherein said electronic displays are publicly visible displays.

Litwin teaches an advertisement electronic display is a publicly visible display.

(paragraphs 28 and 60)

It would have been obvious to an artisan at the time of the invention to include

Litwin teaching with Moraes' method in order to maximize the exposure of the

advertised product.

As per claim 15, Moraes teaches a computerized method as in Claim 12, however,

fails to teach wherein said electronic displays are publicly visible displays.

Litwin teaches an advertisement electronic display is a publicly visible display.

(paragraphs 28 and 60)

It would have been obvious to an artisan at the time of the invention to include

Litwin teaching with Moraes' method in order to maximize the exposure of the

advertised product.

As per claim 16, Moreas and Litwin teaches a computerized method as in Claim 15. Litwin further teaches the given displays is a publicly visible display mounted on a vehicle; and further including:

-determining a temporary location of the vehicle as it moves (paragraph 41);

-further teaches using the vehicle's temporary location to access a demographic database containing information on the number of people of a given demographic category available to view a showing of a message at each of a plurality of different locations, to select demographic information on the number of people of a given type available to view a showing of a message at the vehicle's temporary location (paragraph1 39, 40, and 41);

Moraes further teaches the method includes using the selected demographic information in determining which messages to show(col. 5, lines 4-14).

Claims 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hagebarth (US. 6,014,502) in view of Litwin (US 2002/0174012).

As per claim 18, Hagebarth teaches the method of claim 17. However, he fails to teach wherein said electronic displays are publicly visible displays.

Litwin teaches an advertisement electronic display is a publicly visible display. (paragraphs 28 and 60)

It would have been obvious to an artisan at the time of the invention to include Litwin teaching with Hagebarth''s method in order to maximize the exposure of the advertised product.

Claims 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hagebarth (US. 6,014,502) in view of Litwin (US 2002/0174012) further in view of Moraes (US. 6,014,502).

As per claim 19, Hagebarth and Litwin teach a computerized method as in Claim 18. Litwin further teaches said given display is a publicly visible display mounted on a vehicle (paragraphs 28 and 60), and determining the vehicle's temporary location as it moves (paragraph, 39, 40, and 41);

However, they fail to teach

-said one or more criteria associated with individual messages include one or more demographic criteria relating to one or more types of people to which the message is to be shown; and

-said obtaining of information regarding the values for said criteria associated with a given display opportunity includes:

-accessing a demographic database containing information on the number of people of one or more types available to view a showing of a message at each of a plurality of different locations, so as to determine an estimate of the number of people of one or more types available to view a showing of a message as a function of the vehicle's temporary location; and

-said scores are calculated as a function of the match between the demographic criteria associated with individual messages and the estimate; of the number of people of one or more types available to view a showing of a message at the vehicle's temporary location.

Moraes teaches a method wherein one or more criteria associated with individual messages include one or more demographic criteria relating to one or more types of people to which the message is to be shown (col. 5, lines 1-10); and

-said obtaining of information regarding the values for said criteria associated with a given display opportunity includes:

-accessing a demographic database containing information on the number of people of one or more types available to view a showing of a message at each of a plurality of different locations, so as to determine an estimate of the number of people of one or more types available to view a showing of a message (col. 19, lines 9-38, col. 20, lines 34-56); and

-said scores are calculated as a function of the match between the demographic criteria associated with individual messages and the estimate (col. 5, lines 13-24; Examiner interprets determining to be scoring);

of the number of people of one or more types available to view a showing of a message at the vehicle's temporary location (col. 20, lines 34-55).

It would have been obvious to an artisan at the time of the invention to include Moraes teaching with method of Hagebarth and Litwin in order to maximize the chances of the user selecting a particular message.

As per claim 20, which is dependent on claim 17, it is of the same scope as claim 19 (see rejection above).

As per claim 21, Hagebarth, Litwin, and Moraes teach a computerized method as in Claim 20. Moraes further teaches wherein said estimate of the number of one or more different types of people available to view the given display opportunity is determined, at

least in part, by a computerized estimate of the number of people of the one or more

different types in a location associated with the given display opportunity based on sensor

information received from that location within an hour of the display opportunity's

showing of a message (col. 19, lines 9-38, col. 20, lines 34-56).

As per claim 22, Hagebarth, Litwin, and Moraes teach a computerized method as

in Claim 20 wherein the estimate of the number of one or more different types of people

available to view the given display opportunity is determined, at least in part, by using a

computerized database which includes an estimate of the number said one or more

different types of people in each of a plurality of location at each of a plurality of times,

to produce said estimate as a function of the location and time of the given display

opportunity (col. 5, lines 1-5, col. 19, lines 9-38, col. 20, lines 34-56) .

Claims 3, 4, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Moraes (US. 6,014,502) in view of Hoyle (US 6,771,290).

As per claim 3, Moraes teaches a computerized method as in Claim 1, wherein

said number of exposures used in calculating the desired display rate for a given message

is a function of the number of showings of the given message on one or more individual

displays (col. 19, lines 9-29).

However, he fails to include the variable number of people estimated to have had

an opportunity to see each such showing of the given message in to the function.

Hoyle teaches displaying advertisements base on its relevance to the activity of

user. By comparing this relevance, Hoyle effective increase the exposure of the

advertising message based on whether the user is present (col.24, lines 6-34).

It would have been obvious to an artisan at the time of the invention to include Hoyle's teaching with Moraes' method in order to maximize the exposure of the advertised product.

As per claim 4, Moraes and Hoyle teach a computerized method as in Claim 3. Hoyle further teaches the method wherein said number of people estimated to have had an opportunity to see each showing of a given message is a number of one or more particular types of people (col.24, lines 6-34).

As per claim 8, Moraes and Hoyle teach a computerized method as in Claim 3. Hoyle further teaches wherein said number of people estimated to have had an opportunity to see an individual showing of a given message on a. given display is determined, at least in part, by a computerized estimate of a number of people in a location associated with the display based on sensor information received from that location within an hour of the showing of the message (col.24, lines 6-34).

Claims 5, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moraes (US 6,014,502) in view of Hoyle (US 6,771,290) further in view of Hagebarth (US 6,546,086).

As per claim 5, Moraes and Hoyle teach a computerized method as in Claim 4. However, they fail to teach wherein said number of one or more particular types of people estimated to have had an opportunity to see an individual showing of a given message on a given display is determined, at least in part, by a computerized estimate of the number of one or more particular types of people in a location associated with the given display based on sensor information received from that location within an hour of the showing of the message.

Hagebarth teaches a method wherein display of advertisement is based on location associated with the display (col. 3, lines 40-55).

It would have been obvious to an artisan at the time of the invention to include Hagebarth's teaching with the method of Moraes and Holye in order to provide sponsor with the ability to display specific advertisement within a particular location.

As per claim 6, Moraes and Hoyle teach a computerized method as in Claim 4. Hoyle further teaches the method wherein said number of one or more particular types of people estimated to have had an opportunity to see a given showing of a given message on a given display is determined to increase the exposure of the advertisement (col. 24, lines 1-5). However, they fail to associate demography with geographic location (col. 24, lines 1-5)

Hagebarth teaches a method wherein display of advertisement is based on location associated with the display (col. 3, lines 40-55, col. 5, lines 42-50).

It would have been obvious to an artisan at the time of the invention to include Hagebarth's teaching with the method of Moraes and Holye in order to provide sponsor with the ability to effectively display specific advertisement within a location.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moraes (US 6,014,502) in view of Hoyle (US 6,771,290) further in view of Litwin (US 2002/0174012).

As per claim 7, Moraes and Hoyle teach a computerized method as in Claim 3. However, they fail to teach wherein said electronic displays are publicly visible displays.

Litwin teaches an advertisement electronic display is a publicly visible display. (paragraphs 28 and 60)

It would have been obvious to an artisan at the time of the invention to include Litwin teaching with method of Moraes and Hoyles in order to maximize the exposure of the advertised product.

Claims 9, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moraes (US 6,014,502) in view of Hagebarth (US 6,546,086).

As per claim 9, Moraes teaches a computerized method as in Claim 1. However, he fails to teach the method wherein the selecting of which of possible messages to show on a given individual display is performed not only as a function of the relative values of the desired display rate associated with different messages (col. 1, lines 44-55), but also as a function of the match between:

-values for one or more criteria which vary as a function of the location of the given display; and

-desired values of those one or more criteria associated with individual messages.

Hagebarth teaches a method wherein the selecting of which of possible messages to show on a given individual display is performed not only as a function of the relative values of the desired display rate associated with different messages (col. 1 ,lines 44-55), but also as a function of the match between:

-values for one or more criteria which vary as a function of the location of the given display (col. 3, lines 43-55); and

-desired values of those one or more criteria associated with individual messages (col. 3, lines 43-55; Examiner interprets the selection selected geographical area to be desired values).

It would have been obvious to an artisan at the time of the invention to include

Hagebarth's teaching with the method of Moraes order to provide sponsor with the ability

to effectively display specific advertisement within a location.

As per claim 10, Moraes and Hagebarth teach a computerized method as in Claim

9. Moraes further teaches wherein said one or more criteria include demographic criteria

concerning a number of people of a given demographic category available to view a

given showing of a message at the location of the given display (col. 5, lines 3-23).

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moraes

(US 6,014,502), in view of Hagebarth (US 6,546,086), further in view of Litwin (US

2002/0174012),

As per claim 11, Morae and Hagebarth teaches a computerized method as in

Claim 10. Morae teaches selecting message base on demographic category of the user

(col. 5, lines 3-13). Hagebarth teaches that location determines the selection of the

messages.

However, they fail to teach the display is mounted on a vehicle.

Litwin teaches an advertisement electronic display is mounted on a vehicle.

(paragraphs 28 and 60)

It would have been obvious to an artisan at the time of the invention to include

Litwin teaching with Moraes' method in order to maximize the exposure of the

advertised product.

Conclusion

The following patents are cited to further show the state of the art with respect to

a displaying system of advertisements mount in a vehicle:

Ando (US 6,202,022) discloses a vehicle use data processing system, on-vehicle terminal device constituting such system, and navigation device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peng Ke whose telephone number is (703) 305-7615. The examiner can normally be reached on M-Th and Alternate Fridays 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L Kincaid can be reached on (703) 308-0640. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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